dilute vanilla extract fortified with vanillin and artificially colored, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for flavor of lemon and extract of lemon, or flavor of vanilla and extract of vanilla, which the said articles purported to be. Adulteration was alleged in substance for the further reason that the articles were products inferior to flavor of lemon and extract of lemon or flavor of vanilla and extract of vanilla, as the case might be, and were prepared in imitation of flavor of lemon and extract of lemon and colored with turmeric, or were mixtures composed in part of dilute vanilla extract fortified with vanillin and colored with caramel, as the case might be, so as to simulate the appearance of flavor of lemon and extract of lemon, or flavor of vanilla and extract of vanilla, as the case might be, in a manner whereby their inferiority to said articles was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Reliable Flavor of Lemon," "Purity, Strength, Delicacy of Flavor," "Extract of Lemon," and "Flavor of Vanilla, Purity, Strength, Delicacy of Flavor," "Extract Vanilla," and "Pure Extract Vanilla," borne on the labels of the cartons and bottles containing the said articles, as the case might be, regarding the articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were flavor of lemon or vanilla and extract of lemon or vanilla, as the case might be, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were flavor of lemon or vanilla and extract of lemon or vanilla, as the case might be, whereas, in truth and in fact, they were not, but were mixtures composed in part of dilute lemon extract artificially colored or dilute vanilla extract fortified with vanillin and artificially colored. Misbranding was alleged in substance for the further reason that the articles were mixtures composed in part of dilute lemon extract artificially colored or dilute vanilla extract fortified with vanillin and artifically colored, prepared in imitation of flavor of lemon and extract of lemon or flavor of vanilla and extract of vanilla, as the case might be, and were offered for sale and sold under the distinctive names of other articles, to wit, flavor of lemon and extract of lemon or flavor of vanilla and extract of vanilla.

On March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10347. Adulteration of shell eggs. U. S. * * * v. O'Daniel-Kennedy-Cummings Co., a Corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 15587. I. S. No. 1500-t.)

On January 12, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the O'Daniel-Kennedy-Cummings Co., a corporation, Rutherford, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 21, 1921, from the State of Tennessee into the State of Alabama, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed the presence of 47, or 13 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 31, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10348. Adulteration and misbranding of tea. U. S. * * * v. 1,120 Packages of King George Flowery Orange Pekoe Ceylon India Tea, et al. Judgment by consent ordering release of the products under bond. (F. & D. Nos. 15631, 15632, 15633, 15634, 15930, 15935, 15938, 15939. I. S. Nos. 9387-t, 9388-t, 9389-t, 9390-t, 9391-t, 9392-t, 9393-t, 9394-t, 9397-t, 9398-t, 9399-t, 9318-t, 9319-t. S. Nos. E-3650, E-3736, E-3737, E-3753.)

On or about December 5, 1921, and February 3 and 6, 1922, the United States attorney for the Eastern District of South Carolina, acting upon reports by

the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 75 one and one-fourth-ounce packages, 110 cases, one and three-fourth-ounce packages, 1,517 one and three-fourth-ounce packages, 1,383 one-fourth-pound packages, 38 one-half-pound packages, and 39 one-pound packages of tea of various brands, remaining unsold in the original unbroken packages at Charleston, Walterboro, and Georgetown, S. C., respectively, alleging that the articles had been shipped by the Bohea Importing Co., Baltimore, Md., between the dates September 23 and December 3, 1921, and transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled variously in part as follows: "King George Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. Baltimore, U. S. A. * * * 1/4 Pound" (or "1/2 Pound") "Net Weight When Packed"; "Bohea's Special Orange Pekoe Ceylon Tea Net 1 3/4 Ozs. And Over * * *"; "Ladies Club Finest Grown * * * One Pound" (or "Half Pound") "Net Weight * * *"; "Mandarin Souchong English Breakfast Tea * * * Half Pound Net Weight * * *"; "Dragon Chop Specially Blended Mixed Tea * * * 4 Ozs. Net Weight * * *"; "Bohea Pure Teas 1 1/4 Ozs. Net & Over * * *"; "King George Scientifically Blended Green And Black Tea * * * 1/4 Pound Net Weight When Packed."

Adulteration of the King George Flowery Orange Pekoe tea and a portion of the Bohea Special Orange Pekoe tea was alleged in substance in the libels for the reason that substances, to wit, a grade or grades of tea other than that declared on the respective labels, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength and had been substituted wholly or in part for the articles. Adulteration was alleged with respect to a portion of the King George Flowery Orange Pekoe tea and a portion of the Bohea Special Orange Pekoe tea for the further reason that they had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance with respect to a portion of the articles for the reason that the packages containing the said portion bore certain statements, to wit, "Flowery Orange Pekoe" and "Special Orange Pekoe Ceylon Tea," which were false and misleading and tended to deceive and mislead the purchaser, since the said packages contained a grade or grades of tea other than that declared on the labels. Misbranding was alleged with respect to a portion of the article labeled "King George Flowery Orange Pekoe Tea" and a portion of that labeled "Special Orange Pekoe Ceylon Tea" for the further reason that they were imitations of, and were offered for sale under the distinctive names of, other articles. Misbranding was alleged in substance with respect to the articles with the exception of 100 packages labeled "King George Flowery Orange Pekoe Tea" for the reason that the statements on the respective labels, to wit, "One Pound Net," "Half Pound Net," "4 Ozs. Net," "1/4 Pound Net," "Net 1 3/4 Ozs. And Over When Packed," and "1 1/4 Ozs. Net & Over," were false and misleading and deceived and misled the purchaser, since the packages contained less than the quantities claimed on the labels. Misbranding was alleged with respect to the said portion for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the amounts stated were not correct.

On February 8, 1922, Harry A. Jones, trading as the Bohea Importing Co., Baltimore, Md., having entered an appearance as claimant for the property, judgment by consent was entered ordering that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the so-called 1 3/4-ounce packages be relabeled "Bohea's Special Orange Pekoe and other Choice Leaf Grades, 1 1/2 ozs. net weight," that the so-called 1/4-pound packages of King George Flowery Orange Pekoe tea be relabeled "Flowery Orange Pekoe and other Choice Leaf Grades, 1/4 pound net weight," and that the latter be returned to the consignor at Baltimore, Md., to be opened and any deficiency in weight made up so that the said packages should contain a full quarter pound.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*